

IN RE: PETITION FOR SPECIAL HEARING
S/S Sunshine Avenue, 1200' E
of Stoney Batter Road
(6849 Sunshine Avenue)
11th Election District
6th Councilmanic District

David A. Kinlein
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-135-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 6849 Sunshine Avenue, located in the vicinity of Harford Road in Kingsville. The Petition was filed by the owner of the property, David A. Kinlein, and the Contract Purchasers/Lessees, Walter James Clayton and Donna L. Clayton. The Petitioners seek approval of the transfer of a portion of two parcels, zoned R.C. 2, located between adjacently owned land, pursuant to Zoning Policy Manual Section 1A00.4.b.3. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David A. Kinlein, property owner, Walter and Donna Clayton, Contract Purchasers, Earle Alexander, Real Estate Broker for the Petitioner, and Thomas R. Hensler, another interested party. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 27.11 acres, more or less, zoned R.C. 2 and is improved with a single family dwelling. The property is comprised of two parcels of land, identified as Parcels I and II on the site plan. Parcel I contains 16.8 acres and Parcel II contains 8.5 acres. The Petitioner proposes a lot line adjustment of the two parcels to permit the existing dwelling and

ORDER RECEIVED FOR FILING

Date

By

11/29/95
[Signature]

11/29/95

1.75 acres to be subdivided to create a separate lot. Proposed Lot 1 is slated to be sold to the Contract Purchasers. The remaining 25.36 acres will be conveyed to Mr. Thomas Hensler, who proposes to utilize same as a landscape nursery. Due to the proposed lot line adjustment and the reconfiguration of the two lots, the Permits and Development Management (PDM) office felt it imperative to hold a special hearing to establish the number of density units associated with this property so that no confusion would arise in the future.

Further testimony revealed that the entire 27.11 acre parcel contained a total of four (4) density units prior to this special hearing. Pursuant to the relief requested herein, one density unit will be associated with the newly created 1.75 acre parcel, by virtue of the existing dwelling. The remaining 25.36 acres, which is proposed to be sold to Mr. Hensler, will retain the three (3) remaining density units. Therefore, having made this finding, the record will be clear as to the number of density units that will be associated with the two lots in question after the lot line adjustment is accomplished.

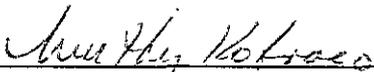
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

ORDER RECEIVED FOR FILING
Date 11/24/95
By [Signature]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of November, 1995 that the Petition for Special Hearing seeking approval of the transfer of a portion of two parcels zoned R.C. 2, located between adjacently owned land, pursuant to Zoning Policy Manual Section 1A00.4.b.3, to create a separate lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Pursuant to Section 502.2 of the B.C.Z.R., two new deeds (one for each new lot) incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Permits & Development Management (PDM) office for inclusion in the case file.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/24/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 24, 1995

Mr. David A. Kinlein
101 Dover Road
Glen Burnie, Maryland 21060

RE: PETITION FOR SPECIAL HEARING
S/S Sunshine Avenue, 1200' E of Stoney Batter Road
(6849 Sunshine Avenue)
11th Election District - 6th Councilmanic District
David A. Kinlein - Petitioner
Case No. 96-135-SPH

Dear Mr. Kinlein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Walter Clayton
6849 Sunshine Avenue, Kingsville, Md. 21087

Mr. Earle Alexander
13785 Bottom Road, Hydes, Md. 21082

Mr. Thomas R. Hensler
2906 Mountain Road, Joppa, Md. 21085

People's Counsel
File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6849 SUNSHINE AVE 21087 ^{KINGSVILLE MD.}
which is presently zoned R.C. ~~2~~ 2

96-135-SPH

This Petition shall be filed with the Department of Permits & Development Management ^(OF PARTS OF)
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve THE TRANSFER OF R.C-2 ZONED PARCELS (BETWEEN ADJACENTLY OWNED EXISTING PARCELS) PER ZONING POLICY 1A00.4.3

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

WALTER JAMES CLAYTON
Contract Purchaser/Lessee

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition
Legal Owner(s)

DONNA L. CLAYTON
(Type or Print Name)

DAVID A. KINLEN
(Type or Print Name)

Donna L. Clayton Walter James Clayton
Signature

[Signature]
Signature

6849 SUNSHINE AVE.
Address

(Type or Print Name)

KINGSVILLE MD. 21087
City State Zipcode

Signature

410-592-7698
Attorney for Petitioner

101 DOVER ROAD 410-768-3000
Address Phone No

Glen Burnie Md 21060
City State Zipcode
Name, Address and phone number of representative to be contacted.

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR
unavailable for Hearing

the following date _____ Next Two Months

ALL OTHER
REVIEWED BY [Signature] DATE 9/25/95

ORDER RECEIVED FOR FILING

Date 11/04/95
By [Signature]
Revised 9/5/95

96-135-5PH

Zoning description for 6849 Sunshine Avenue, Kingsville,
Maryland 21087

Beginning at a point on the south side Sunshine Avenue ~~at the distance of twelve hundred feet east of the centerline of the nearest improved intersecting street Stoney Batter Road.~~ at the distance of twelve hundred feet east of the centerline of the nearest improved intersecting street Stoney Batter Road. As recorded in Deed Liber 4109 Folio 313 and include the measurements and directions here and on the plat in the correct location.

South 22 degrees 24 minutes West 1517.5 feet to North 65 Degrees 51 minutes West 271'.60 THENCE N 66 ° 15 ' W 535.64 FT., THEN N. 14° 46' E. 1179.25 THEN SOUTH EASTERLY 280.80 FT. THEN N. 85° 48' 43" E. 390.04 FT. THEN SOUTH EASTERLY ALONG SUNSHINE AVE 50 FT. THEN NORTH 10 FT ± TO THE CENTERLINE OF SUNSHINE AVE. THEN S. ~~33~~ 0° 33' E. 300 FT. TO THE POINT OF BEGINNING.

~~BEING THE ENTIRE~~ COMPRISING A TOTAL OF 27.11 AC ±

6TH CD.
11TH ED.

Carl K. Alexander - Agent for Kunkin family
9-22-95

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284. W. Ropp, 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

Case #96-135-SPH (Item 134)
6849 Sunshine Avenue
S/S Sunshine Avenue, 1200
E of Stony Batter Road
11th Election District
6th Councilmanic

Legal Owners:
David A. Kinell
Contract Purchaser(s):
Walter and Dyma Clayton

Special Hearing: to approve the transfer (or parts of) R.C.-2 zoned parcels (between adiacently owned existing parcels).

Hearing: Thursday, November 9, 1995 at 10:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations please call 887-3353.
(2) or information concerning the file and/or Hearing, please call 887-3391.

10/21 Oct. 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN,

A. H. Enick
LEGAL AD. - TOWSON

10/19/95

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 124 BYJLL
000507
96-135-SPH

DATE 9/25/95 ACCOUNT R0016150

AMOUNT \$ 85.00

RECEIVED FROM: KIMLEIN

FOR: 6849 SUNSHINE AVE.
RES. SPH, FILING 030 50.00

1 SIGN POSTING 35.00
03A03#0295MICHRC
8A 0010#34AM09-25-95 \$85.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 134 Petitioner: KINLEIN

Location: 6849 SUNSHINE AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DAVID A. KINLEIN

ADDRESS: 101 Dover Road

Glen Burnie Md 21060

PHONE NUMBER: 48-768-3000



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-135-SPH (Item 134)
6849 Sunshine Avenue
S/S Sunshine Avenue, 1200' E of Stoney Batter Road
11th Election District - 6th Councilmanic
Legal Owner: David A. Kinlein
Contract Purchaser: Walter and Donna Clayton

Special Hearing to approve the transfer (ofr parts of) R.C.-2 zoned parcels (between adjacently owned existing parcels).

HEARING: THURSDAY, NOVEMBER 9, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: David Kinlein
Walter and Donna Clayton

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PUTOXENT PUBLISHING COMPANY
October 19, 1995 Issue - Jeffersonian

Please forward billing to:

David A. Kinlein
101 Dover Road
Glen Burnie MD 21060
768-3000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
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CASE NUMBER: 96-135-SPH (Item 134)
6849 Sunshine Avenue
S/S Sunshine Avenue, 1200' E of Stoney Batter Road
11th Election District - 6th Councilmanic
Legal Owner: David A. Kinlein
Contract Purchaser: Walter and Donna Clayton

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HEARIN:G: THURSDAY, NOVEMBER 9, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 2, 1995

Mr. and Mrs. Walter J. Clayton
6849 Sunshine Avenue
Kingsville, Maryland 21087

RE: Item No.: 134
Case No.: 96-135-SPH
Petitioner: D. Kinlein

Dear Mr. and Mrs. Clayton:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
October 17, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #134
6849 Sunshine Avenue
Zoning Advisory Committee Meeting of October 10, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Agricultural Preservation Program

This site meets prime and productive soil policies with lot size. However, location of the house on the 25.36 acres must be reviewed for prime and productive soil policy.

Wally Lippincott should be contacted for review prior to building permit approval at 887-2904.

✓
JLP:WL:sp

c: Paul Dennis

SUNSHINE/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: October 11, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 6849 Sunshine Avenue

INFORMATION:

Item Number: 134

Petitioner: David Kinlein

Property Size: _____

Zoning: RC-2

Requested Action: Special Hearing

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

On September 11, 1995, the Development Review Committee approved a limited exemption (A9) for the subject development. Based upon the information provided, staff offers no additional comments.

Prepared by: _____

Jeffrey W. Long

Division Chief: _____

Carol L. Kerns

PK/JL

10/11/95

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Oct. 18, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for October 16, 1995
Items 134, 136, 137, 138, 142 and 144 *S*

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-10-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 134 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

13A

HEARING OFFICER :

To: Baltimore County Planning and Zoning

We are seeking approval for a non-density transfer so as the Kinlein Family may convey an improved 1.75 Acre parcel to Mr. and Mrs. Walter Clayton.

The Clayton Family have been long term tenants and family friends and have occupied 6849 Sunshine Avenue for many years. The Kinlein Family has agreed to hold the mortgage and with the Zoning Departments approval wish to see them purchase it.

The proposed boundary line is shown on the accompanying plats as the dotted line. In its present configuration, the Clayton residence is just twenty-feet from the side yard boundary. We propose to add fifty feet of property that is west of the residence being part of Parcel I and subtract fifty-one feet of frontage from the east side of the property, providing the residence with a better side yard configuration. The remainder of Parcel I and Parcel II would be combined as one parcel totaling 25 plus acres with a new description and recorded upon the conveyance of the Clayton Residence or soon thereafter.

We have secured a perc-approval and domestic water well for Parcel I which would be utilized for improving the twenty five acre parcel. We understand the potential for subdivision, but we have no desire to pursue same and plan on selling the twenty-five acres to Cavano's Perennials, a local nursery.

The Kinlein Family
September 20, 1995

10/10/95

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

WALTER JAMES CLAYTON
 Donna Louise Clayton
 David A Kintlein
 THOMAS R. HENSLON
 Earle K Alexander

KINGSVILLE
 MD
 6849 SUNSHINE AV 21087
 6849 Sunshine Ave Kingsville
 101 Dover Rd Glen Burnie Md 21060
 2906 MOUNTAIN RD JOPPA MD 21085
 13785 BOTTOM RD HYDES MD 21088

13785 Bottom Road
Hydes, Maryland 21082

Office: 592-2300
Fax 592-2604
Residence: 592-7385

By He,
Call → Earle Alexander to pick
orders.
BROKER

Alexander Realty, Inc.



13785 BOTTOM RD
HYDES MD 21088

IN RE: PETITION FOR SPECIAL HEARING
 S/S Sunshine Avenue, 1200' E
 of Stoney Batter Road
 (6849 Sunshine Avenue)
 11th Election District
 6th Councilmanic District
 David A. Kinlein
 Petitioner

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 96-135-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjjs

ORDER RECEIVED FOR FILING
 Date 11/24/95
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning



Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

November 24, 1995

Mr. David A. Kinlein
 101 Dover Road
 Glen Burnie, Maryland 21060

RE: PETITION FOR SPECIAL HEARING
 S/S Sunshine Avenue, 1200' E of Stoney Batter Road
 (6849 Sunshine Avenue)
 11th Election District - 6th Councilmanic District
 David A. Kinlein - Petitioner
 Case No. 96-135-SPH

Dear Mr. Kinlein:

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Very truly yours,
 Timothy M. Kotroco
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjjs

cc: Mr. & Mrs. Walter Clayton
 6849 Sunshine Avenue, Kingsville, Md. 21087

Mr. Earle Alexander
 13785 Bottom Road, Hydes, Md. 21082

Mr. Thomas R. Hensler
 2906 Mountain Road, Joppa, Md. 21085

People's Counsel
 File

ORDER RECEIVED FOR FILING
 Date 11/24/95
 By [Signature]

134

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
 Kingsville, Md.

for the property located at 6849 Sunshine Ave 21087
 which is presently zoned RC-2
 96-135-SPH

This Petition shall be filed with the Department of Permits & Development Management (PDM) of Baltimore County and which is described in the description and plat attached. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve THE TRANSFER OF RC-2 ZONED PARCELS (BETWEEN ADJACENTLY OWNED EXISTING PARCELS) PER ZONING POLICY 1A00.4.b.3

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

WALTER JAMES CLAYTON
 Contract Purchaser/Lessee
 Donna L. Clayton
 (Type of Print Name)
 David A. Kinlein
 (Type of Print Name)
 Earle K. Alexander
 (Type of Print Name)
 David A. Kinlein
 (Type of Print Name)

6849 Sunshine Ave
 Kingsville, Md. 21087
 410-592-7698

101 Dover Road
 Glen Burnie, Md. 21060
 410-768-3000

10/25/95

9/5/95

134

96-135-SPH

Zoning description for 6849 Sunshine Avenue, Kingsville, Maryland 21087

Beginning at a point on the south side Sunshine Avenue at the distance of twelve hundred feet east of the centerline of the nearest improved intersecting street Stoney Batter Road. As recorded in Deed Liber 4109 Folio 313 and include the measurements and directions here and on the plat in the correct location.

South 22 degrees 24 minutes West 1517.5 feet to North 65 Degrees 51 minutes West 271'.60 THENCE N 66° 15' W 535.64 FT, THEN N. 14° 46' E. 1179.25 THEN SOUTH EASTERLY 280.80 FT, THEN N. 85° 48' 43" E. 390.04 FT, THEN SOUTH EASTERLY ALONG SUNSHINE AVE 50 FT, THEN NORTH 10 FT ± TO THE CENTERLINE OF SUNSHINE AVE. THEN S. 0° 33' E. 300 FT TO THE POINT OF BEGINNING.

6849 SUNSHINE AVE COMPRISED A TOTAL OF 27.11 AC ±

6TH CD.
 11TH ED.

Earle K. Alexander - Agent for Kinlein family
 9-22-95

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 400 Washington Avenue, Towson, Maryland 21204 on the 11th day of November, 1995 at 10:00 AM in Room 116, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Mayland 21204 as follows:
 Case: 96-135-SPH
 (Item 134)
 6849 Sunshine Avenue
 96 Sunshine Avenue, 1200' E of Stoney Batter Road
 11th Election District
 6th Councilmanic District
 Legal Owner(s): David A. Kinlein
 Contract Purchaser(s): Walter and Donna Clayton

Special Hearing to approve the transfer of parcels of R.C. 2 zoned parcels (between adjacently owned parcels).

Hearing Thursday, November 9, 1995 at 10:00 am in Room 116, Old Courthouse.

LAWRENCE E. SCHMIDT
 Zoning Commissioner for Baltimore County

NOTICE: (1) Hearings are Handicapped Accessible for persons with disabilities. Please Call 887-3393. (2) An information concerning the hearing hearing, please call 887-3393.

10/21 Oct 19

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN,
 A. Henrickson
 LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 84 BYJLL

96-135-SPH

DATE 9/25/95 ACCOUNT R0016150

AMOUNT \$ 85.00

RECEIVED FROM: KINLEIN

FOR: 6849 SUNSHINE AVE.

RES. SPH. FILING 030 50.00

15 MIN POSTING 35.00

03A0380295MICHMC
 BA C01034AM09-25-95

VALIDATION OR SIGNATURE OF CASHER

Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JARLON, DIRECTOR

For newspaper advertising:
 Item No.: 134 Petitioner: KINLEIN
 Location: 6849 SUNSHINE AVE

PLEASE FORWARD ADVERTISING BILL TO:
 NAME: David A. Kinlein
 ADDRESS: 101 Dover Road
 Glen Burnie, Md 21060
 PHONE NUMBER: 410-768-3000



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-135-SPH (Item 134)
6849 Sunshine Avenue
S/S Sunshine Avenue, 1200' E of Stoney Batter Road
11th Election District - 6th Councilmanic
Legal Owner: David A. Kinlein
Contract Purchaser: Walter and Donna Clayton

Special Hearing to approve the transfer (of parts of) R.C.-2 zoned parcels (between adjacently owned existing parcels).

HEARING: THURSDAY, NOVEMBER 9, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Arnold Jablon
Director

cc: David Kinlein
Walter and Donna Clayton

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: PUTNEM PUBLISHING COMPANY
October 19, 1995 Issue - Jeffersonian

Please forward billing to:

David A. Kinlein
101 Dover Road
Glen Burnie MD 21060
766-3000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-135-SPH (Item 134)
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S/S Sunshine Avenue, 1200' E of Stoney Batter Road
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Special Hearing to approve the transfer (of parts of) R.C.-2 zoned parcels (between adjacently owned existing parcels).

HEARING: THURSDAY, NOVEMBER 9, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 2, 1995

Mr. and Mrs. Walter J. Clayton
6849 Sunshine Avenue
Kingsville, Maryland 21087

RE: Item No.: 134
Case No.: 96-135-SPH
Petitioner: D. Kinlein

Dear Mr. and Mrs. Clayton:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

October 17, 1995

FROM: J. Lawrence Pilon
Development Coordinator, DEPRM

SUBJECT: Zoning Item #134
6849 Sunshine Avenue
Zoning Advisory Committee Meeting of October 10, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Agricultural Preservation Program

This site meets prime and productive soil policies with lot size. However, location of the house on the 25.36 acres must be reviewed for prime and productive soil policy.

Wally Lippincott should be contacted for review prior to building permit approval at 887-2904.

JLP:Wl:sp

cc: Paul Dennis

SUNSHINE/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: October 11, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 6849 Sunshine Avenue

INFORMATION:

Item Number: 134

Petitioner: David Kinlein

Property Size: _____

Zoning: RC-2

Requested Action: Special Hearing

Hearing Date: 1 / 1

SUMMARY OF RECOMMENDATIONS:

On September 11, 1995, the Development Review Committee approved a limited exemption (A9) for the subject development. Based upon the information provided, staff offers no additional comments.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Kenna*

PK/JL

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Oct. 18, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for October 18, 1995
Items 134, 136, 137, 138, 142 and 144

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-10-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 134 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

HEARING OFFICER:

To: Baltimore County Planning and Zoning

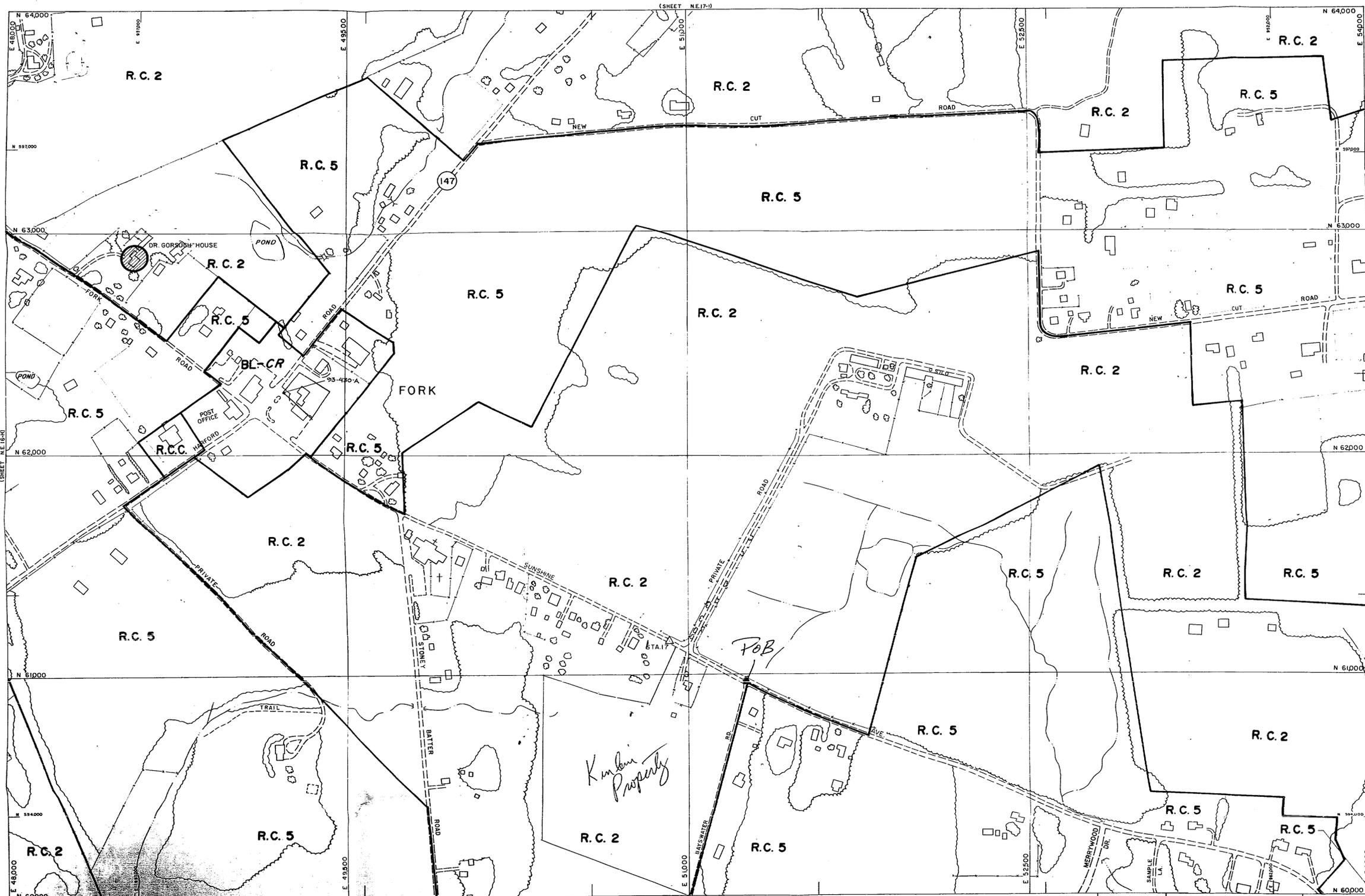
We are seeking approval for a non-density transfer so as the Kinlein Family may convey an improved 1.75 Acre parcel to Mr. and Mrs. Walter Clayton.

The Clayton Family have been long term tenants and family friends and have occupied 6849 Sunshine Avenue for many years. The Kinlein Family has agreed to hold the mortgage and with the Zoning Departments approval wish to see them purchase it.

The proposed boundary line is shown on the accompanying plats as the dotted line. In its present configuration, the Clayton residence is just twenty-feet from the side yard boundary. We propose to add fifty feet of property that is west of the residence being part of Parcel I and subtract fifty-one feet of frontage from the east side of the property, providing the residence with a better side yard configuration. The remainder of Parcel I and Parcel III would be combined as one parcel totaling 25 plus acres with a new description and recorded upon the conveyance of the Clayton Residence or soon thereafter.

We have secured a perc-approval and domestic water well for Parcel I which would be utilized for improving the twenty five acre parcel. We understand the potential for subdivision, but we have no desire to pursue same and plan on selling the twenty-five acres to Cavano's Perennials, a local nursery.

The Kinlein Family
September 20, 1995



UU-SE
Q-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Ord. Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard III
Chairman, County Council

SCALE

1" = 200' ±

DATE

OF PHOTOGRAPHY
JANUARY 1986

LOCATION

FORK

SHEET

N. E.

16 - 1

96-135-SPH

#13A